

limits, not to be discussed? Will welfare reform be a part of the framework of the settlement that will be dropped on the Senate? We do not know.

Meanwhile, the President demands more taxes and refuses to do anything about waste, really. I have not seen any strong management leadership from this White House that gives me confidence that we should send more money. There are lavish conferences, duplicative programs, billions in refundable tax credits being mailed every year to illegal aliens or children not even in the United States—billions from their own department, the reports tell us. No one is managing this government effectively. Why should the American people send one more dime in taxes to Washington when we will not reform and manage the money we are already getting from them? The American people should not send more money to this dysfunctional government. They should insist that we fix what is going on here first.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. SESSIONS. Mr. President, I appreciate the opportunity to share these remarks. I ask for 1 additional minute to wrap up.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SESSIONS. I thank my colleagues.

I would say I am concerned about the nature of these secret talks, the fact that the Senate is really not participating. From the reports, it is only the Speaker and the President of the United States discussing it, and that appears to be—from what I picked up—to be true. Apparently, the majority leader is not intimately involved, the chairman of the Budget Committee is not involved, and the chairman of the Finance Committee is not involved. These are Democratic leaders in the Senate, certainly not Republican leaders in the Senate.

The Senate is a great institution. We ought to be engaged, and the engagement of the Senate allows the American people to know what is happening. They are entitled to that. I really believe we can do better. We must do better.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### WIND ENERGY TAX CREDIT

Mr. UDALL of Colorado. Mr. President, I return to the floor of the Senate to urge all of us here to extend the pro-

duction tax credit for wind energy. This is a crucial tax credit that supports an industry that employs literally tens of thousands of workers across our entire country. Our failure in the Congress to quickly extend this job-creating credit has already halted further development and jeopardized the future of this industry and the good-paying jobs that come with it.

The PTC, as it is known, the production tax credit, has been a major driver of wind power development because it literally leverages billions of dollars in investment, which then in turn creates thousands of jobs. But here in the Congress we have gone back and forth repeatedly between extending it and retiring it. This on-again/off-again status has contributed to a boom-bust cycle that threatens the future of this industry and our energy security in turn. It is time for us to act, act now, and extend the PTC so the wind industry and its employees can have a secure and prosperous future.

Mr. President, I look forward to talking about your State, New Mexico. You know I come to the floor every day to talk about the importance of the PTC, and I focus on an individual State when I come to the floor. Today I would like to talk about New Jersey.

New Jersey's wind industry will suffer without an extension of the PTC. Its industry is in the early stages of development, but the Garden State is already making real progress in becoming a manufacturing center for wind. While it is a manufacturing center that is building the turbines and blades, it is also taking a leading role in developing coastal wind power and then harnessing the offshore wind potential we know exists in the oceans off of New Jersey. An environmental review initiative by the Interior Department has paved the way for the sale of wind energy leases off the coast of New Jersey, Delaware, Maryland, and Virginia in the Outer Continental Shelf. Several coastal projects are under way in the Garden State, including in South Jersey off the coast of Cape May, down here in the southern part of New Jersey. New Jersey is also home to the first coastal wind farm in the United States, the Jersey Atlantic Wind Farm. There are five turbines at that wind farm. They are producing a total of 7.5 megawatts, which is enough energy to power 2,000 homes.

Like my Home State, like the home State of the Presiding Officer, New Jersey knows we need an all-of-the-above energy strategy to improve our energy security. My colleagues from New Jersey, Senator MENENDEZ and Senator LAUTENBERG, have been fighting to accelerate the transition to renewable domestic energy. Both have been champions for extending crucial tax credits such as the PTC. They know these credits help both New Jersey consumers and New Jersey businesses install and utilize energy from the wind.

The wind energy industry supports close to 500 New Jersey jobs, many of

which are located at the 9 manufacturing facilities that make components for wind turbines. Those facilities are located in the green circles shown here on the map of New Jersey. The current level of wind production in New Jersey has helped the State reduce its carbon emissions by some 1,500 metric tons every year.

I want to return to the point I make every day I come to the floor to talk about the production tax credit. If we do not extend it, the manufacturing sector in New Jersey and many other States will literally wither. If we do not extend the PTC, we risk sending our energy jobs overseas. This is flatout unacceptable.

The wind production tax credit has strong support from a broad array of industry groups. Let me share some of those groups with my colleagues and with the viewers. The U.S. Chamber of Commerce has endorsed the extension, as well as the Governors' Wind Energy Coalition, the National Governors Association, and the American Farm Bureau Federation, among a number of other groups that support this extension.

Think of it this way: Wind energy is made-in-America energy that bolsters U.S. manufacturing. It creates good-paying American jobs, and it puts us on the path to energy independence. I urge my colleagues, I ask my colleagues of both parties to stand with me and stand for American manufacturing and made-in-America energy. Our wind energy industry and our energy security are depending on it. We need to extend the PTC as soon as possible. It is that simple. The PTC equals jobs. Let's pass it as soon as possible.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. REED. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### NATIONAL DEFENSE AUTHORIZATION ACT

Mr. REED. Mr. President, I rise today in support of the National Defense Authorization Act for Fiscal Year 2013. I wish to commend the work of my colleagues on the committee, particularly Chairman LEVIN, who is here, and Ranking Member MCCAIN, for their incredible diligence, dedication, and commitment to the men and women of our Armed Forces.

For 50 consecutive years, the Senate has passed a Defense authorization bill, and I hope very much that we will soon be able to send the President a bill for his signature consistent with that record of faithful service to those who

serve us so faithfully. We owe it to our servicemembers and to the Nation to quickly but very deliberately pass this legislation and send it forward to the President. We made tough decisions putting this bill together—especially in these difficult economic times—but I am confident this bill provides a budget that allows the DOD to combat current threats, plan for future threats, and to provide for the welfare of our extraordinary men and women in uniform.

I wish to note a few issues in this legislation.

First, we have endeavored to make improvements to the Military Lending Act, which Congress passed in 2006 in order to protect Active-Duty servicemembers and their families from some types of high-cost loans and unfair credit practices. The Military Lending Act imposed a 36-percent annual percentage rate cap on certain types of consumer credit extended to servicemembers. Our intention was to protect Active-Duty servicemembers and their families from high-cost loans and unfair credit practices. Unfortunately, lenders have been finding ways to circumvent these regulations. For example, some payday lenders have made superficial changes to the structure of their loans, styling them as “open-end” credit or setting the terms slightly longer than the regulations to get around the rules under the Department of Defense of what constitutes “consumer credit.”

I am pleased that provisions I added to the underlying bill address some of these problems with targeted changes to improve how this law is implemented. In particular, it removes definitional loopholes to ensure that payday and car title loans, whether structured as closed-ended or open-ended credit, are subject to the 36-percent cap and other protections of the MLA. Let me underscore the 36-percent cap. We are talking about a very generous rate of return on these loans to lenders, particularly in the context of very low rates across the economy. It also requires the DOD to review its MLA rules periodically and to consult with financial regulators biannually to determine if new credit products are harming servicemembers and should be covered by the Military Lending Act protections.

The bill has been strengthened by the recent passage of an amendment offered by Senator MARK UDALL to remove a provision in the Senate Armed Services Committee-reported bill that would have limited the ability of the Department of Defense to purchase alternative fuels, such as advanced biofuels. I voted against this provision in the committee and joined my colleagues in urging a vote for this amendment. Reducing our dependence on oil requires a smart, balanced, and responsible energy policy, one that involves all government agencies, including the Department of Defense. I am pleased that the Department of Defense

will retain the flexibility to pursue alternative fuel technologies that not only help them achieve their mission but also help our country reduce our dependence on oil.

In addition, Senator HAGAN has offered an amendment to remove a provision that would prohibit the DOD from being able to enter into contracts for the planning, construction, or retrofitting of plants and refineries to produce advanced biofuels. I opposed this provision in the committee and encourage my colleagues to support Senator HAGAN’s amendment.

I am also working on a few amendments I would like to mention. One would provide further consumer credit protections for servicemembers, another would limit the increases of out-of-pocket prescription drug costs, and a third would create a pilot program to allow nonprofits to apply for grants to rehabilitate and modify homes for disabled veterans.

My amendment No. 3014 would further improve the Military Lending Act provisions in the underlying bill by strengthening its enforcement. During the past 5 years, we have learned that enforcement rules provided in the MLA are not up to the task. Currently, if a lender violates the Military Lending Act, it is a criminal misdemeanor, with violators to be fined as provided for in title XVIII or up to 1 year imprisonment or both. Criminal liability attaches only for knowingly violating the statute.

My amendment will clarify that all Federal agencies that enforce Federal credit laws can enforce the Military Lending Act. In addition, it will ensure that State attorneys general and State credit regulators who license and supervise many of the lenders who lend to our servicemembers and their families can enforce the Federal law protections provided by the Military Lending Act. I believe our service men and women need a full panoply of protection not just from the Department of Defense but from every Federal agency involved in these issues, including State and local agencies. I honestly believe that State and local officials, particularly where there are major installations, vigorously want to protect the rights and the benefits of our men and women in uniform, and they should have that opportunity.

Comprehensive and fair enforcement of the Military Lending Act is critical to Active-Duty servicemembers and their families. My amendment is supported by the Fleet Reserve Association, the Military Officers Association of America, the National Association of Consumer Advocates, the Military Justice Project, the National Military Family Association, Americans for Financial Reform, the Center for Responsible Lending, the Consumer Federation of America, the National Consumer Law Center on behalf of its low-income clients, and the U.S. PIRG. All of these agencies recognize the need to protect our men and women in uniform.

I have joined with Senators RUBIO, MCCASKILL, and WHITEHOUSE to introduce amendment No. 3017 to curb the out-of-pocket prescription drug costs proposed for TRICARE beneficiaries. The Department of Defense has proposed an increase in prescription drug copayments for TRICARE beneficiaries. In some cases, copayments could almost double or even triple. For example, under the proposal, out-of-pocket costs for a brandname drug picked up at a local pharmacy would more than double, increasing from \$12 to \$26. Ensuring the fiscal soundness of TRICARE is critical, but we should limit the burden on beneficiaries in our efforts to shore up the program.

This amendment would curb the out-of-pocket prescription drug costs proposed for TRICARE beneficiaries. For instance, instead of paying \$26 for a brandname drug, a TRICARE beneficiary would pay \$17 at a retail pharmacy, a \$5 increase from last year as opposed to a \$14 increase. DOD would be prohibited from instituting dramatic increases in prescription drug copayments in future years. Copayments could only increase at the rate of the annual cost-of-living adjustment, or COLA.

To protect beneficiaries from out-of-pocket increases, the amendment proposes to achieve the necessary savings by requiring the Secretary to enroll beneficiaries age 65 and older with maintenance medication—that is, medications for chronic conditions—in a 5-year mail order pharmacy pilot program. Beneficiaries would be eligible to opt out of the mail order program after 1 year if they felt it did not adequately meet their needs.

To ensure TRICARE beneficiaries have access to their prescription medications, they would be able to secure an initial 30-day fill at a local retail pharmacy. And the amendment ensures that they will not be denied a maintenance medication at a retail pharmacy if they ever find themselves running low and in need of a quick refill.

The amendment would expressly prohibit the Secretary from including medications for acute care needs in the mail order pilot program, as well as medications dispensed to residents of long-term care facilities. The Secretary would also have the discretion to exempt other medications and other populations.

This amendment is supported by the Military Coalition, a group of 30 organizations representing more than 5.5 million members of the uniform services—active, Reserve, retired, survivors, veterans—and their families.

My third amendment, No. 3165, which is identical to the Housing Assistance for Veterans Act that I recently introduced, would create a new pilot program at the Department of Housing and Urban Development that would provide home rehabilitation and modification for veterans who are low income or disabled and who own their homes or are living in the owner-occupied home of a family member.

This amendment fills a crucial gap because it would serve all veterans with disabilities, regardless of the severity of the disability and whether the disability is service connected or not.

With this amendment, eligible veterans would have the opportunity to renovate and modify their existing homes by installing wheelchair ramps, widening doors, re-equipping rooms, and making necessary additions and adjustments to existing structures—all so these homes are more suitable and safer for our veterans.

I hope we can work together to consider these amendments, and other amendments that have been proposed by my colleagues.

As for the underlying bill, I wish to point out a few more of its highlights.

The bill authorizes a 1.7-percent across-the-board pay raise and reauthorizes over 30 types of bonuses and special payments for our men and women in uniform.

It authorizes the Secretary of Defense to carry out a research program with community partners to enhance DOD efforts in research, treatment, education, and outreach on mental health, substance use disorders, and traumatic brain injury in Guard and Reserve members, their families, and their caregivers—a provision which I worked on with Senator AYOTTE to have included in this bill. We have an incredible problem with respect to returning veterans, active-duty personnel, and their families in addressing their mental health challenges, and unless we fully engage all the resources across this country, we will not be able to successfully meet the needs of these young men and women. We hope this amendment will help in that regard.

The legislation also extends authorities to continue several “train and equip” programs to assist foreign militaries in counterterrorism and counter-narcotics missions. This is one of the emerging and critical roles that in the future we must embrace and support.

Additionally, the legislation authorizes \$5.7 billion for the Afghanistan Security Forces Fund to build the capacity of the Afghan Army and police so those forces can continue to take the security lead throughout Afghanistan. Once again, this is a central foundation to our plans to withdraw the vast majority of our forces by 2014.

This year once again I had the honor of serving as the chairman of the Seapower Subcommittee, alongside Senator WICKER, my colleague from Mississippi, the ranking member. Working together, our subcommittee focused on the needs of the Navy, the Marine Corps, and strategic mobility forces. We put particular emphasis on supporting marine and naval forces engaged in combat operations, improving efficiencies, and applying the savings to higher priority programs.

Specifically, the bill includes the required funding for two Virginia-class submarines, provides multiyear procurement authority to the Navy to

purchase the next block of submarines, authorizes the Navy to use incremental funding to buy an additional Virginia-class submarine in fiscal year 2014, and provides an additional \$777.7 million in advance procurement for that second boat in 2014.

The bill also approves the funding for other major programs, including the DDG-1000, the Aircraft Carrier Replacement Program, the DDG-51 Aegis destroyer program, the Littoral Combat Ship, the Joint High Speed Vessel, and the P-8 maritime patrol aircraft.

I am particularly pleased about the funding for the Virginia-class submarines and the DDG-1000, which so many Rhode Islanders help to build.

We also included language that would permit the Navy to use multiyear procurement authority to buy the V-22 Osprey aircraft and the Arleigh Burke-class destroyers so we can procure these platforms as efficiently as possible.

I want to offer my particular thanks to Senator WICKER, the other members of the Seapower Subcommittee, and our staffs who have done an extraordinary job through their diligence, their dedication, and their profound commitment to the men and women, particularly, of the Navy and the Marine Corps.

We have a good bill before the Senate. I urge adoption of the amendments I have discussed, and I would urge very quickly and very timely the passage of the legislation so we can once again send the Defense authorization bill to the President for his signature.

With that, I yield the floor.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. BROWN of Ohio). Morning business is closed.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 3254, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (S. 3254) to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

Kyl amendment No. 3123, to require regular updates of Congress on the military implications of proposals of the United States and Russia under consideration in negotiations on nuclear arms, missile defense, and long-range conventional strike system matters.

The PRESIDING OFFICER. The senior Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, before Senator REED leaves the floor, I want

to first thank him for his comments about myself and Senator MCCAIN and the other members of our committee. Senator REED of Rhode Island has and will continue to make—and, hopefully, for many decades to come—an extraordinary contribution to the work of this body. I have seen it firsthand on the Armed Services Committee where he is the chairman of the SeaPower Subcommittee, but way beyond that. He brings an experience and a thoughtful commitment to this work which is second to none, and it is incredibly valuable to every member of our committee to have him as a member of the committee. I cannot express how grateful I am for that, and I cannot exaggerate how grateful I am for his presence and for his work.

Mr. REED. If I may simply say that I thank the chairman.

Mr. LEVIN. Mr. President, in a few minutes I hope to be able to lay out a roadmap for our work here—at least for the next couple hours. We hope to be able to deal with a modified Kyl amendment as well as dispose of, we hope, an Ayotte amendment and a Hagan amendment. There will be debate with each of those, and this is just tentative because I want to discuss this, obviously, with Senator MCCAIN. But if this works out, there could be a couple votes in an hour or so. But, again, I am not announcing that; I am just sort of giving as early a warning as I can to our colleagues as to what is at least a likely prospect at this time. But, again, that is going to have to await the presence of Senator MCCAIN, with whom I am working so closely on this matter.

So with that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 2888, 2924, 2949, 2960, 2963, 2969, 2991, 3083

Mr. LEVIN. Mr. President, I ask unanimous consent that the pending amendment be set aside and that the following amendments be called up and agreed to en bloc, the motion to reconsider be considered made and laid upon the table with no intervening action or debate: Kohl No. 2888, Manchin No. 2924, Webb No. 2949, Wyden No. 2960, Sessions No. 2963, Heller No. 2969, Hoeven No. 2991, and Barrasso No. 3083.

Mr. MCCAIN. All these amendments have been cleared on our side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, as follows: